

D.T.E. 00-58

Petition by the Statewide Emergency Telecommunications Board, pursuant to
G.L. c. 6A, § 18D (c)(4), for approval of funding to modify and enhance the 911 network.

APPEARANCE: Robert H. Watkinson

Executive Director

Statewide Emergency Telecommunications Board

P.O. Box 156

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FOR: STATEWIDE EMERGENCY TELECOMMUNICATIONS BOARD

Petitioner

Barbara Anne Sousa

Regulatory Counsel

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FOR: VERIZON-MASSACHUSETTS

Intervenor

ORDER ON MOTION FOR ENTRY OF ORDER
ACCORDING TO THE STIPULATED TERMS

I. INTRODUCTION

On June 12, 2000, pursuant to G.L. c. 6A, § 18D(c)(4), [\(u\)](#) the Statewide Emergency Telecommunications Board ("SETB" or "Board") filed with the Department of Telecommunications and Energy ("Department") a request for approval of funding to: 1)

relocate nine enhanced 911 ("E911") communications centers, or public safety answering points ("PSAPs");⁽²⁾ 2) renovate and rearrange 40 PSAPs; 3) install a backup 911 call center for the city of Worcester; and 4) install a rerecording feature in the Eyretel digital recorders⁽³⁾ located at four Board training sites. SETB seeks Department approval of funding for these projects because its year 2000 recommended expenditures exceeded the \$500,000 statutory threshold. The Department docketed this matter as D.T.E. 00-58.

Pursuant to notice duly issued, the Department conducted a public hearing on August 11, 2000. Prior to the public hearing, on August 10, 2000, SETB and Verizon New England, Inc. d/b/a Verizon-Massachusetts ("Verizon") filed with the Department a Motion for Entry of Order According to the Terms as Stipulated by the Parties and Set Forth Herein ("Motion"). As the Board's proposed expenditures directly affect Verizon's interests, Verizon was granted intervenor status on September 5, 2000. There were no other petitions for leave to intervene.

II. SETB PETITION

By law, every municipality must operate, by itself or in conjunction with other municipalities, a PSAP on a 24 hours a day, seven days a week basis.⁽⁴⁾ SETB provides the equipment for communities' PSAPs (Exh. SETB-1, at 1).

A. PSAP Relocations

In some areas, construction of new buildings to house PSAPs or consolidation of fire departments and police departments necessitates moving E911 equipment to new locations (Tr. at 5). SETB plans to relocate the PSAPs of the following nine municipalities: Auburn, Berlin, Belchertown, Brookline, Chelsea, Reading, Stoneham, Wayland and Wilmington. Verizon estimates the average cost per relocation as \$21,444, for a total cost of approximately \$193,000.

B. PSAP Renovation and Rearrangement

Some police and fire facilities in the Commonwealth have upgraded or renovated their communications centers since the original installation of their E911 equipment, requiring that equipment be moved within the existing PSAP (Exh. SETB-1, at 1; Tr. at 6). SETB proposes to renovate and rearrange PSAPs at the following 40 sites: Adams, Agawam Training, Boston Fire Department, Carlisle, Dighton, Dover, Essex, Framingham Police Department, Framingham State Police (2), Georgetown, Gloucester, Hampden, Hanscom, Holliston, Ipswich, Lawrence, Littleton, Longmeadow, Lowell, Medfield, Medway, Millis, New Bedford, New Braintree State Police, Norfolk, Northampton State Police, Plainville, Provincetown, Raynham, Salisbury, Sandwich, Sharon, Southwick, Somerset, Springfield, Wakefield, Warren, Wellesley, West Newbury. Verizon estimates the average cost at \$2,628 per site, for an approximate total of \$105,000.

C. Backup Call Center

SETB proposes to install a backup E911 call center for the city of Worcester. Currently, if service to the Worcester PSAP is interrupted, its 911 calls are routed to the state police in Framingham. The Framingham state police provide the answering center for wireless 911 calls in the 508, 617, 781 and 978 area codes of Massachusetts and, therefore, their large call volume makes the arrangement for Worcester backup undesirable (Tr. at 6). The planned backup center will possess the same equipment and functionality as the Worcester PSAP but will be operated only when service to the PSAP is unavailable (*id.* at 8). Verizon and the Board are finalizing plans for the call center but estimate its cost to be at \$100,000.

D. Rerecording Feature

SETB proposes to install a rerecording feature in the Eyretel digital recorders located at four Board training sites (Agawam, Plymouth, Reading and Westboro). Tapes of 911 calls are rerecorded when legal action arises from an emergency call and copies of recordings are needed for court proceedings (*id.* at 7). Any PSAP could be equipped with the rerecording feature for \$2,500, but most PSAPs need this feature only occasionally (*id.*). Installing the rerecording system at the SETB training centers will make it available to the PSAPs of smaller Massachusetts towns at no cost and will save them the expense of purchasing the rerecording feature themselves. The estimated cost of this project is \$10,000.

III. TERMS OF THE VERIZON/SETB PROPOSAL

According to the Motion, Verizon does not oppose SETB's request for the approximately \$408,000 in proposed projects beyond the \$500,000 already expended during this calendar year (Motion at 2). Both Verizon and SETB agree that the Department has the authority to grant this request, and that any additional costs associated with the ongoing maintenance of the facilities that are the subject of SETB's June 12, 2000, request will be treated in the same manner as other ongoing maintenance costs of the existing E911 system (*id.*). Verizon and SETB also agree that the Department has continuing jurisdiction to enforce any and all of the terms of the Motion, and that this Motion is conditioned upon the Department accepting, without change or condition, all of the provisions thereof (*id.*).

IV. ANALYSIS AND FINDINGS

In a previous order, the Department decided that SETB-recommended expenditures must be "prudently incurred" to receive Department approval. SETB Order, at 5. In this Order, the Department determined that pursuant to section 7 of G.L. c. 159, § 19A, read together with G.L. c. 166, § 14A and G.L. c. 6A, § 18A *et seq.*, directory assistance ("DA") revenues should be used to offset costs associated with providing the E911 system. SETB Order, at 5-6. By recommending the expenditures for PSAP relocations and renovations, the Worcester backup call center, and installation of the rerecording feature, SETB and Verizon implicitly argue that these expenses are prudent. Moreover, the two parties

tacitly agree that the approximately \$408,000 needed for these projects should be supplied by the DA fund.

In assessing the reasonableness of the proposal contained in the Motion, the Department must review the record to ensure that this proposal is consistent with Department precedent and the public interest. See Statewide Emergency Telecommunications Board, D.T.E. 98-103 (1999); Massachusetts Electric Company, D.P.U. 96-25 (1997); Western Massachusetts Electric Company, D.P.U. 96-8-CC (1996); Commonwealth Gas Company, D.P.U. 94-128 (1994); Barnstable Water Company, D.P.U. 91-189 (1992).

The Department finds that SETB's requested expenditures for relocating nine and renovating 40 PSAPs, establishing a backup call center for Worcester, and installing the rerecording feature at its four training sites are prudently incurred expenses that are consistent with Department precedent and are in the public interest. Therefore, we grant the Motion for entry of order according to the stipulated terms.

V. ORDER

Accordingly, after due notice and consideration, it is

ORDERED: That the Motion for Entry of Order According to the Terms as Stipulated by the Parties and Set Forth Herein, be and hereby is granted.

By Order of the Department,

James Connelly, Chairman

W. Robert Keating, Commissioner

Eugene J. Sullivan, Jr., Commissioner

Paul B. Vasington, Commissioner

Deirdre K. Manning, Commissioner

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971).

1. Section 18D(c)(4) requires Department approval of all SETB-recommended expenditures affecting the provision of enhanced 911 service that exceed an aggregate total of \$500,000 in any calendar year. In addition to providing both residences and businesses with the ability to reach emergency services by dialing "9-1-1," enhanced 911 gives emergency personnel the address location of the caller. See Statewide Emergency Telecommunications Board, D.P.U./D.T.E. 97-87, at 1 n.2 (1998) ("SETB Order").

2. By statute, each municipality in the Commonwealth shall be served by a primary PSAP that uses E911 network features. G.L. c. 166, § 14A(b). In addition, SETB shall evaluate the need for secondary PSAPs in municipalities that have requested them. G.L. c. 6A, § 18D(c)(3).

3. See page 3 below.

4. G.L. c. 6A, § 18D(a).